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**IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF NEW JERSEY**

JUAN SANTOS,	:	
	:	No. 2:20-cv-09182
Plaintiff,	:	
	:	
v.	:	
	:	
THE INTERNATIONAL PAINTERS AND	:	DEFENDANTS' OPPOSITION TO
ALLIED TRADES INDUSTRY PENSION	:	PLAINTIFF'S BRIEF OF MOTION AS TO
FUND, <i>et al.</i> ,	:	WHY ADDITIONAL DISCOVERY
	:	BEYOND THE ADMINISTRATIVE
Defendants.	:	RECORD IS REQUIRED

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S BRIEF OF MOTION AS TO WHY ADDITIONAL DISCOVERY  
BEYOND THE ADMINISTRATIVE RECORD IS REQUIRED**

Defendants, International Painters and Allied Trades Industry Pension Fund ("Pension Fund") and the Board of Trustees of the International Painters and Allied Trades Industry Pension Fund ("Board of Trustees" and, together with Pension Fund, "Defendants"), by and through undersigned counsel, file this Opposition to the Brief of Motion as to why Additional Discovery beyond the Administrative Record is Required filed by Plaintiff Juan Santos ("Santos" or "Plaintiff").<sup>1</sup>

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<sup>1</sup> On January 15, 2021, Plaintiff filed a Brief of Motion as to why additional Discovery beyond the Administrative Record is required. ECF No. 9. On January 19, 2021, Plaintiff filed a letter request (ECF No. 10) to replace ECF No. 9 with a "corrected" brief and filed a corrected brief (ECF No. 11). Neither ECF No. 9 nor ECF No. 11 contained a motion, only briefs. Defendants

The grounds for the Opposition are as follows, as more fully explained in the accompanying memorandum:

1. Plaintiff's claim is subject to the arbitrary and capricious standard of review and review is therefore limited to the administrative record, and
2. Plaintiff fails to specify additional discovery sought.

**WHEREFORE**, Defendants, ask that the Court:

- (1) deny the Motion for Additional Discovery beyond the Administrative Record,
- (2) grant such other or further relief as may be just, necessary or appropriate.

Respectfully submitted,

**JENNINGS SIGMOND, P.C.**

BY: /s/ Judith A. Szynter

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Counsel for Defendants

Date: February 15, 2021

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prepared this opposition to Plaintiff's "corrected" Brief of Motion as to why additional Discovery beyond the Administrative Record is required filed at ECF No. 11.